



RULE 63 (37 CFR § 1.63)  
DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled DIAGNOSTIC METHODS FOR CANCER DETECTION, the specification of which has been prepared and filed on February 26, 2004, receiving Serial No. 10/789,378, and further identified as Attorney File No. 5189-2.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim priority benefits under 35 U.S.C. 119(e) of any provisional application(s) for patent listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/381,619	May 17, 2002	abandoned
60/450,886	February 26, 2003	abandoned

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
10/441,925	May 19, 2003	pending

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(1) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Inventor's Name: Sergey A. Axenovich  
Citizenship: \_\_\_\_\_  
Residence: 635 South B Street, Apt. 4  
San Mateo, California 94401  
Post Office Address: Same as Residence

(2) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Inventor's Name: Robert Stull  
Citizenship: \_\_\_\_\_  
Residence: 1519 Fifth Street  
Alameda, California 94501  
Post Office Address: Same as Residence

(3) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Inventor's Name: Marina Gelman  
Citizenship: \_\_\_\_\_  
Residence: 159 19th Avenue, Apt. 1  
San Francisco, California 94121  
Post Office Address: Same as Residence

(4) Inventor's Signature Kitty Chui Date 6/25/2004

Inventor's Name: Kitty Chui  
Citizenship: U.S.  
Residence: 1639 46th Avenue  
San Francisco, California 94122  
Post Office Address: Same as Residence

(5) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Inventor's Name: Dean Ng  
Citizenship: \_\_\_\_\_  
Residence: 538 Trinidad Lane  
Foster City, California 94404  
Post Office Address: Same as Residence

37 CFR §1.56(a) and (b)  
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TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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(3) Inventor's Signature Marina S Gelman Date 6/21/04

Inventor's Name: Marina Gelman  
Citizenship: USA  
Residence: 159 19th Avenue, Apt. 1  
San Francisco, California 94121  
Post Office Address: Same as Residence

1366 Turk St Apt 5C  
San Francisco, CA  
94115

MB 6/21/04

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SAA

(1) Inventor's Signature  Date 6.16.04

Inventor's Name:

Sergey A. Axenovich

Citizenship:

RUSSIAN FEDERATION

Residence:

~~635 South B Street, Apt. 4~~ 4951 CHERRY AVENUE, APT. B225

Post Office Address:

Same as Residence

95118

S.A.A. 6.16.04

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(2) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Inventor's Name:

Robert Stull

Citizenship:

Residence:

1519 Fifth Street

Alameda, California 94501

Post Office Address:

Same as Residence

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Inventor's Name:

Marina Gelman

Citizenship:

Residence:

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Dean Ng

Citizenship:

Residence:

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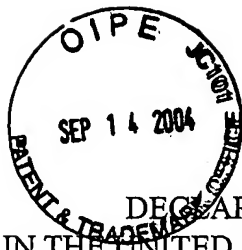
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Inventor's Name: Kitty Chui  
Citizenship: \_\_\_\_\_  
Residence: 1639 46th Avenue  
San Francisco, California 94122  
Post Office Address: Same as Residence

(5) Inventor's Signature Dean Ng Date 9-7-04

Inventor's Name: Dean Ng  
Citizenship: U.S.A.  
Residence: 538 Trinidad Lane  
Foster City, California 94404  
Post Office Address: Same as Residence

37 CFR §1.56(a) and (b)  
DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application,  
and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."